

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Angela Craig and  
Jenny Winslow Davies,

Civil No. 20-CV-2066 (WMW/TNL)

Plaintiffs,

vs.

Steve Simon, in his official capacity as the  
Minnesota Secretary of State,

Defendant,

and

Tyler Kistner,

Intervenor Defendant.

**DEFENDANT’S  
CONSENT MOTION  
TO STAY DEADLINE  
TO RESPOND  
TO COMPLAINT**

With the agreement and consent of the Plaintiffs, Defendant Steve Simon, in his official capacity as the Minnesota Secretary of State, respectfully moves the Court for an order staying the deadline in Fed. R. Civ. P. 12(a)(1) for the Secretary to respond to Plaintiffs’ complaint until fourteen days after the determination of the current appeal of this Court’s preliminary-injunction order.

The Federal Rules of Civil Procedure require the Secretary to serve his response to the complaint within 21 days after being served with the summons and complaint—that is, by October 19. Fed. R. Civ. P. 12(a)(1)(A)(i). The pending appeal, however, may have a significant impact on the Secretary’s decisions in this litigation. Accordingly, the

Secretary moves this Court to stay his deadline to answer the complaint or otherwise plead until after the appeal is concluded.

A court's authority to stay proceedings "is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. North Am. Co.*, 299 U.S. 248, 254-55 (U.S. 1936). A court considering a motion to stay "must weigh competing interests and maintain an even balance." *Id.* A district court has broad discretion to stay proceedings when appropriate to control its docket. *Sierra Club v. U.S. Army Corps of Engineers*, 446 F.3d 808, 816 (8th Cir. 2006).

Pursuant to Local Rule 7.1(a), counsel for the Secretary conferred with Plaintiffs' counsel regarding the nature of this motion, its legal basis, and the relief requested. Plaintiffs stated that they agree and consent to the relief requested.

The Secretary therefore respectfully requests the Court enter an order staying the Secretary's deadline to answer or otherwise plead in response to Plaintiff's Complaint until fourteen days after the appeal of the Court's order granting a preliminary injunction has concluded.

Dated: October 16, 2020

Respectfully submitted,

KEITH ELLISON  
Attorney General  
State of Minnesota

s/ **Nathan J. Hartshorn**

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SIMON, IN HIS OFFICIAL CAPACITY AS  
THE MINNESOTA SECRETARY OF STATE